
**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--------------------------------------|---|-----------------------|
| CYNTHIA A. LUND, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 22 CV 5826 |
| |) | |
| NORTHERN ILLINOIS UNIVERSITY, |) | |
| |) | |
| |) | Jury Demand |
| Defendant. |) | |

**COMPLAINT
AS AND FOR A FIRST CAUSE OF ACTION
(DISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT)**

NATURE OF ACTION

1. This is an action under Title I of the Americans with Disabilities Act of 1991 (ADA), to correct unlawful employment practices on the basis of a disability (handicap) and to make whole Plaintiff. **CYNTHIA A. LUND**, (“**LUND**”). Defendant, **NORTHERN ILLINOIS UNIVERSITY**, (“**NIU**”) discriminated against LUND, a qualified individual with a disability, because of her disability.

JURISDICTION AND VENUE

2. Jurisdiction of this action is invoked pursuant to 28 U.S.C.A. & 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to American with Disabilities Act of 1990. Venue is proper in this District under 28 U.S.C. Section 1391 (b). The employment practices hereafter alleged to be unlawful were and are now being committed in the Northern District of Illinois, Eastern Division.

PARTIES

3. LUND is an adult person and a resident of Ogle County, and State of Illinois.

4. LUND is an employee of NIU since 2007 and her most recent position was Medical Office Coordinator.

5. At all times relevant, NIU, has been a University formed under the laws of Illinois.

6. NIU is an employer within the meaning of the ACT and has been at all times material to the allegations herein.

7. LUND has a permanent disability diagnosis, in that, she has a record of, or is regarded as having been diagnosed with Depression that substantially limits one or more of her major life activities.

STATEMENT OF CLAIMS

8. Despite NIU listing itself as an equal employment company and having a policy against Discrimination to the disabled, NIU intentionally discriminated against LUND because of her disability and physical needs and allowing her to be subjected to a hostile environment which intensified her condition.

9. LUND is and was, disabled to the degree that substantially limited her ability to enjoy life. LUND has requested NIU to provide her with reasonable accommodations as stated above however, said requests went unfulfilled. NIU's stated reasons for not accommodating LUND were pretext.

10. NIU's act and omissions to act violate applicable provisions of the American with Disabilities Act.

11. The discriminatory action of NIU as set forth above has caused LUND to suffer

losses of earnings, and as a further proximate result of NIU's unlawful and intentional discriminatory actions against NIU, as alleged above, LUND has been harmed in that LUND had suffered in her position and her work environment has become impaired.

12. As a further proximate result of NIU's unlawful and intentional discriminatory actions against NIU, as alleged above, LUND has been harmed in that LUND has suffered emotional pain, humiliation, mental anguish, loss of enjoyment of life, and emotional distress. As a result of such discrimination and consequent harm, LUND has suffered such damages in an amount according to proof.

13. LUND has no adequate remedy at law to secure relief. If this court does not enter an order for NIU to accommodate LUND, LUND will be irreparably injured.

14. LUND filed a discrimination charge against NIU with the Equal Employment Opportunity Commission (EEOC). That charge was timely filed (see Exhibit "A").

15. On 08/08/ 2022, LUND was sent a notice from the EEOC of her right to bring this action (see Exhibit "B"), and LUND timely filed this action.

FACTUAL ALLEGATIONS

16. On or about February 15, 2022, LUND being subjected to retaliation and a hostile work environment due to her disability and denied a request for accommodations of having extra assistance on her position.

17. LUND went on a family medical leave (FMLA) from NIU due to the unfair treatment which includes being harassed and subjected to a hostile work environment.

PRAYER FOR RELIEF

WHEREFORE, LUND prays for judgment as follows:

1. Declare the conduct engaged in by NIU to be in violation of LUND's rights;

2. For injunctive relief, including but not limited to relief required to make LUND whole for the losses caused by the violations of NIU.

3. For compensatory damages in an amount according to proof;

4. For costs of suit, including reasonable attorney's fees and expert fees; and

5. For such other and further relief as the COURT deems proper.

CYNTHIA LUND

BY: /s/ Michael T. Smith

Michael T. Smith

Trial Attorney

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